

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00085-MR-DLH-12**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAMMIE LYNN PAYNE,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion to Suppress and Franks Request [Doc. 158]; the Magistrate Judge's Memorandum and Recommendation regarding that motion [Doc. 402]; and the Defendant's Objections to the Magistrate Court's Recommendation [Doc. 438].

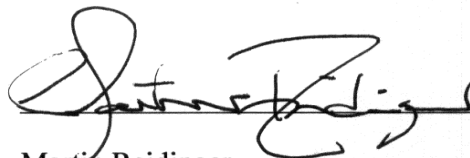
On February 24, 2016, the Honorable Dennis L. Howell, United States Magistrate Judge, conducted an evidentiary hearing on the motion to suppress. On August 9, 2016, the Magistrate Judge issued a Memorandum and Recommendation, recommending that the motion to suppress be denied. [Doc. 402]. The Defendant timely filed Objections to the Memorandum and Recommendation on August 26, 2016. [Doc. 438].

Upon conducting a *de novo* review of the Memorandum and Recommendation, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendant's Motion to Suppress and Request for a Franks hearing be denied.

IT IS, THEREFORE, ORDERED that the Defendant's Objections to the Magistrate Court's Recommendation [Doc. 438] are **OVERRULED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 402] is **ACCEPTED**; and the Defendant's Motion to Suppress and Franks Request [Doc. 158] is **DENIED**.

IT IS SO ORDERED.

Signed: September 19, 2016


Martin Reidinger
United States District Judge

